THE Duties of Conſta-bles, Borſholders, Tithing-men, and ſuch other lowe Miniſters of the Peace.

Whereunto be alſo adioyned the ſeuerall offices of Church-wardens: of Surueyors for amending the high waies: of Diſtributors of the prouiſion for noiſome Fowle and Vermin: of the Collectors, Ouerſéers, and Gouernors of the Poore: and of the Wardeins and Collectors for the houſes of Correction.

Collected and penned by *William Lambarde* of Lincolnes Inne Gent. 1582.

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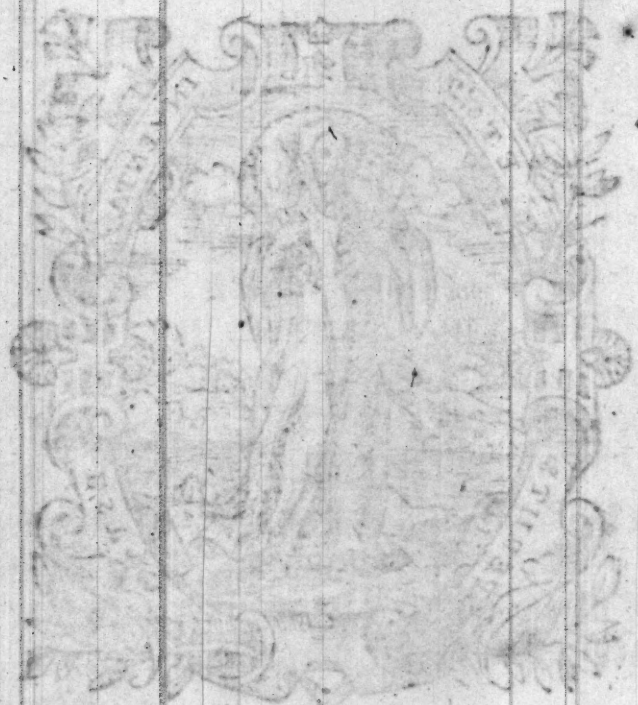

The duties of Conſtables, Borſholders, Tythingmen, and ſuch other lowe miniſters of the Peace.

VNderſtanding by ſundrie friendes of mine, that manie well diſpoſed men doe earneſtly wiſh, that ſome one ſhort and plaine collection might be made of the duties of high Conſtables, petie Conſtables, Borſholders, Tythingmen, Headborowes, and ſuch like inferiour miniſters of ỹ Quẽnes Maieſties peace, to the end ỹ when any of them ſhould be called to anie of the ſaide offices (or the like) they might the better behaue themſelues in doing the ſame: I haue thought it a thing worthy the labour, to ſende abroade among them this litle treatiſe, which I haue drawen to ſatiſfie in ſome part their honeſt deſire: har-

1. The preface.

tily praying vnto god, that as their knowledge may be increased in the reading hereof, so also their diligence may be amended in the practise of the same, to the setting forth of the glorie of god, & to the aduancement of the Quænes Maiestics seruice in this behalfe.

The diuision of this worke.

2 And because I purpose (by the helpe of God) to make this worke so short, and so plaine withal, as the matter thereof it selfe will suffer me, and as the vnderstanding of vnlearned men doeth require: I will first speake somwhat, both of the sundry names and beginninges of these officers, and then afterward I wil go in hand with the parts of their seuerall duties.

The names of these officers.

3 The sundrie names of Constables or high Constables that be of Lathes, Rapes, Wapentaks, hundreds, & Franchises: and the diuerse names also of Constables, petie Constables, Tythingmen, Borsholders, Borowheades, Headborowes, chiefe pledges, & such other (if there be any) that beare office in townes, parishes, hamlets, tythings or borowes (for of Constables of Castels, otherwise called Castellanes, & such others I meane not to intreate) are all in effect but two, that is to say, Constables & Borsholders: for these two words do containe

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as much as al the reſt of thoſe names, and to thoſe two maie all the reſt of them be well brought: and therefore, in ſpeaking ſeuerally of thoſe two, I will paſſe along and touch all the reſt alſo.

4 The name Conſtable, is made (as I haue read) of two Engliſh words put together, namely, Cuning (or Cyng) & Staple, which do ſignifie, the ſtay (or holde) of the king. For by the ancient cuſtome of this realme there is a great officer called the Conſtable of England, who by meanes of ỳ great auctoritie that he had, was a principal ſtay vnto the Kings gouernment: and this man had iuriſdiction and auctoritie in deeds of Armes, and matters of war, both within and without the Realme. Out of which office, this lower Conſtableſhip was at the firſt drawn & fetched, and is (as it were) a verie finger of that ſame hand. For the ſtatute of Wincheſter, which was made in the time of king Edward the firſt, and by which theſe lower Conſtables of Hundreds & Franchiſes were firſt ordained, doth (amongſt other things) appoint, that for the better keeping of ỳ Peace, two Conſtables in euerie Hundred & Franchiſe, ſhould make the view of Armour.

Cõſtables name.

13. R. 2. cap. 12.

His beginning.

13. E. 1.

So then, the name of Conſtable in a hun-

dred or Franchise doth meane, that he is an Officer, that supporteth the Queenes maiestie in the maintenance of her peace, within the precinct of his hundred or frãchise: and he is many times called the high Constable, in comparisõ of the Constables, or Petie Constables, that be in the townes or parishes, within his hundred or franchise, whose part it likewise is, to maintaine the peace within the seuerall limits of their owne townes, or parishes.

Borsholders name

5 As touching Borsholder, which is the other general name, & doth containe within it the meaning of Tythingmen, Borowheads, Headborowes, Thirdborowes, and chiefe pledges, that also is made vp of these two English words, Borhes, and Ealder, of the which, Borhes betokeneth pledges, and Ealder signifieth the Chiefe, the Head or the Ealder: and so Borsheealder in one word, doth meane the chiefe, or head of the sureties, or pledges.

His two offices.

6 But now, that you may the better vnderstand what is meant by this, you must further knowe, that euerie of these Borsholders, Tythingmen, Borowheades, Headborowes, Thirdborowes, and chiefe pledges, hath two seuerall offices at this date: the one being his auncient and first office,

office, and the other his latter made office.

Archaionomia.

7 His firſt office beganne thus: by the auncient lawes of this realme (before the comming in of King William the Conquerour) it was ordained for the more ſure kéeping of the peace, and for the better repreſſing of théeues and robbers, that all frée borne men ſhoulde caſt themſelues into ſeuerall companies, by tenne in eche companie: and that euerie of thoſe tenne men of the companie, ſhoulde be ſuretie and pledge for the forth comming of his felowes: ſo that if any harm were done by anie of theſe tenne againſt the peace, then the reſt of the tenne ſhould be amerced, if he of their company that did harme ſhould flie, and were not forth-comming to anſwere to that wherwith he ſhould be charged. His firſt office.

And for this cauſe, theſe companies be yet in ſome places of England (and namely with vs in Kent) called Boroes of ỹ ſaide word Borhes, Pledges, or Suertie: albeit in the weſterne partes of the realme they be commonly named Tythings, becauſe they containe (as I told you) the number of tenne men with their families. And euen as tenne times tenne doe make an hundred, ſo, bicauſe it was thẽ alſo appoin-

ted that tenne of the se companies shoulde at certaine times méete together for their matters of greater waight, therefore that generall assemblie (or court) was (and yet is) called a Hundred.

Furthermore it was then also ordained that if any man were of so euil credit, ẏ he could not get him selfe to be receiued into one of these Tythings or Boroes, ẏ then hee should be shut vp in prisō, as a mā vnworthie to liue at liberty, amongst mē abroad.

Tythingman. Headborow, &c.

8 Now wheras euerie of these Tithings (or Boroes) did vse to make choice of one man amongst themselues, to speak and do in the name of them all: he was therefore in some places called the Tithingman, in other places the Boroes Ealder, (whome we now call Borsholder) in other places the Boroehead or Headboroe, and in some other places the Chiefe pledge, which last name doth plainly expoūd the other 3. that are next before it: for Head or elder of the Boroes, and chiefe of the pledges be al one. And in some shires, where euerie thirdborow hath a Constable, there the officers of the other two be called Thirdboroes.

Olde orders in Tythings.

9 Moreouer, in these Tythings (or Boroes) sundrie good orders were obserued, & amongst others these: first that euery man of

Itin. Kanc.

Vid. 45. Ed. 3. 27. Et Kitch. Fol. 12.

of the age of 12. yeares ſhould be ſworne to the King: then, that no man ſhould be ſuffered to dwell in anie towne or place, vnleſſe he were alſo receiued into ſome ſuch ſuretiſhip & pledge as is aforeſaid. Thirdly, that if anie of theſe pledges were impriſoned for his offence, that thē he ought not to be deliuered without the aſſent of the reſt of his pledges. Againe, that no man might remoue out of one Tything (or Boroe) to dwell in an other, without lawfull warrant in that behalfe: laſtly, that euery of theſe pledges ſhould yerely be preſented and brought forth, by their chiefe pledge at a generall aſſēblie for that purpoſe, which we yet in remembrance thereof do call, the View of Franke pledge, or the Leete court.

10 Hitherto I haue opened the ancient office of the Borſholder, Tythingman, & the reſt, whereof alſo there is yet to this daie ſome ſhew or remnāt in our Leets or Law daies: but if ẏ verie ſubſtance thereof were throughly perfourmed (as I know no let, but that by law it may) thē ſhould ẏ peace of the land be much better maintained.

His latter office.

As touching the latter office ẏ theſe Borſholders, Tythingmen, Headborowes, Borowheads, Thirdborowes, & chiefe pledges haue, it is in maner al one with ẏ office of a Cō-

stable of a towne, or parish, which is commonly named a Petie Constable, or vnder Constable, because he is a small Constable, in respect of the Constable of his hundred, within whose limit he is. For, as about ỳ beginning of the raigne of King Edwarde the third, petie Constables were deuised in townes and parishes for the aide of the Constables of the Hundred: so of latter times also, Borsholders, Tythingmen, Headboroes, and such like haue bene vsed as petie Constables within their own boroes and tythings. And yet not so vniuersally, but that some of them haue at this daie none other but their old office. For in some of the Westerne parts of Englande, you shal see, that where there be many Tythingmen in one parish, there onelie one of them is a Constable for the Queene, and the rest do serue but as the auncient Tythingmen did. Now therefore, hauing spoken of the names and beginnings of these inferiour officers of the peace, let vs also come to the partes of their duties.

Diuision of their office.

11 For as much as a great and chiefe parte of the duetie both of these high Constables of Lathes, Rapes, Wapentakes, Hundreds, and Franchises, and also of these Constables, Petie Constables, Tything-

thingmen, Borſholders, Borowheades, Headborowes, Thirdborowes, chiefe pledges, and ſuch like miniſters, by whatſoeuer other names they be called in anie townes, pariſhes, Tythings, Borowes, Hamlets, or other places of the Realme, doth conſiſt in the maintenaunce of the Queenes Maieſties peace, wherein (as alſo in ſome other points) the power of them al is alike, and but one, within their ſeuerall limits and places of auctoritie: therefore I think it good to ſhew, firſt what their common and equall duetie is in matters concerning the peace, either by their owne auctoritie, or vnder the auctoritie of others: then afterward to declare, what their common and like dutie is in ſome other things, not concerning the peace: laſtly, to open thoſe things wherein they haue a diſtinct and ſeuerall duetie one from another.

12 The Conſeruation (or maintenance) of the peace, ſtandeth in three things, that is to ſay, firſt, in foreſeeing that nothing be done that tendeth either directly, or by meanes, to the breach of the peace: ſecondly, in quieting or pacifying thoſe that are occupied in the breach of the peace: & thirdly, in puniſhing ſuch as haue alreadie broken Their office concerning the Peace.

broken the peace.

What is the breach of the peace.

And here, leaſt anie man ſhould be deceiued in not vnderſtanding what is ment by theſe wordes, The breach of the Peace, he muſt firſt of al know, that by the breach of the peace, is vnderſtode, not onelie that fighting which we commonly cal ỹ breach of the peace, but alſo, that euerie murder, rape, manſlaughter, and felonie whatſoeuer, and euerie affraying (or putting in feare) of the Queenes people, whether it be by vnlawfull wearing of armour or by aſſembling of people to do anie vnlawfull act, are taken to be diſturbances or breaches of the Peace.

To preuēt things againſt the peace.

13 But now, for the better preuenting that nothing be done againſt the Peace, anie of theſe Officers aforeſaide may take (or arreſt) ſuſpected perſons, which walke in the night, and ſleepe in the daie: or which do haunt any houſe, where is ſuſpition of bauderie: and they may carie them before a Iuſtice of the Peace, to finde ſureties of their good behauior. And if any ſuch officer be not of ſufficient ſtrength to doe that alone, then maie he take mēte aide of his neighboures thereto: and they, in ſuch caſes, be compellable to helpe and aſſiſte him. 13. H. 7. 10. Cur. Fitz. in Iuſt. Del. P. 171.

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Any of theſe officers may alſo arreſt ſuch ſtrange perſons as do walke abroade in the night ſeaſon: and for that cauſe the ſaid ſtatute of VVincheſter did ordain, that night watches ſhould be kept yearely, from the feaſt of the Aſcention vntill Michaelmas, by ſixe men at euerie gate of euerie citie, by twelue men in euerie Borough towne, and in euerie other towne by ſixe men, or foure men, or according to the nũber of inhabitantes in the towne, all the night long from Sunne ſetting to Sunne riſing: So that if any ſtranger did paſſe, he ſhould be arreſted till the morning, & then ſet at large (if no ſuſpition were founde of him) but if any ſuſpitiõ fel out againſt him, then he ſhould be impriſoned till he might be lawefully deliuered. And of theſe watches, the officers before named haue the charge within the limites (or places) of their auctorities, as the Conſtable in his towne, the Borſholder in his Borow, and the high Conſtable within al his Hundred: and theſe officers ought to ſée theſe VVatches duely ſet and kept, and ought alſo to cauſe Hue and Crie to be rayſed after ſuch as will not obey the arreſt of ſuch watchmen. 3 Ed. 1.

Againe, if any perſon whatſoeuer (except

cept the Queenes seruantes and ministers in her presence, or in executing her precepts, or their offices, or such as shall assist them: and except it be vppon Hue and Crie made to keepe the peace, and that in places where actes against the Peace doe happen) shall be so bolde, as to goe, or ride armed, by night, or by day, in Faires, Markets, or any other places: then anie Constable, or any other of the said Officers, may take such armour from him, for the Queenes vse, and may also committe him to the Gaole. And therefore, it shall be good in this behalfe, for these officers to staie and arrest all such persons as they shall finde to carry Dags, or Pistols, or to be apparelled with priuie coates, or dublets: as by the proclamation (made in the one & twentieth yeare of the raigne of our Soueraigne Ladie that nowe is) they are specially commaunded. Stat. Northamp. 2. Ed. 3. ca. 3. 21. El. Reg.

Furthermore, if any great assemblie, or rumor of people be made in manner of insurrection, then the Shirifes, Constables and these saide other ministers, hauing knowledge thereof, ought to go with the strength of the county, and to set themselues against it, and ought also to take and imprison such offendors. 17. R. 2. c. 8.

Lastly,

Barr. 202. en Fitzh. 22. Ed. 4. 35. Brian.

Lastly, if anie man doe threaten to kill another, and he which is so threatned doe pray any of these Officers to arrest the other to finde suerties of the Peace, then may such an officer arrest him to finde such suertie before a Iustice of the Peace, and may also carrie him to prison if he refuse to finde it.

14 Thus much I haue spoken of those thinges which doe bende towards the breach of the peace: but nowe I will come nearer to the breach it selfe, and withall to the pacifying and punishing of the same. To pacifie & punish the breach of the Peace.

1. H. 7. 7.

If therefore a Constable, or anie other of the saide officers, shall see any men going about to breake the peace, as by vsing hoat wordes, by which an Affray is like to growe, then ought such Officer to commaund those persons to auoide vpon paine of imprisonment: and if they will not depart, but shall drawe weapon, or giue any blow, then ought he to do his best to depart them, and to keepe them in sunder: and he may (for that purpose) both vse his owne weapon, and may also call others to assist him. In which doing, if any such officer or other person comming on his part, doe take hurt, hee shall haue good remedie by action

3. H. 7. 10. 21. H. 7. 21.

action against him that did the hurt: but if any of them that made the Affray, be hurt by such officer, or by any of his companie, then such a hurt person hath no remedie at all for it.

And if he that maketh an Affray do flye into a house, when such an officer commeth to arrest him: then may that officer breake open the dores to take him: and if hee that made the Affray, doe flie from thence also, yet may the Officer followe him, and in fresh suite take him, though it be in another Shire or Countie. 13. Ed. 4.9.

So, if two men be fighting together in a house (the dores being shut) yet may such an Officer breake open the dores to cause the peace to be kept, though none of ỹ parties haue taken hurt. And in both these cases, such an officer may carie them before a Iustice of the peace to finde Suertie for the peace, because they haue broken the peace alreadie, and are meete to be bounde that they shal not thencefoorth breake it againe.

But if any of ỹ parties to an Affray, haue receiued any daungerous hurt, then ought such Officer to arrest him ỹ did the hurt, & to carie him to the Gaole, there to remaine till he finde suretie to appeare at the nexte Gaole deliuerie: otherwise, he may wt lesse labour Firzh. 72. 38. Ed. 3. 6. & 22. lib. Ass. 56.

labour carrie him to a Iuſtice of the peace, who ought to take order for ſuch ſuertie, becauſe the fact may fall out to be Felonie, if ſo be that he which was hurt doe happen to die within one yeare and a day next following ſuch hurt done.

5.H.7.6. And as theſe Officers ought to arreſt thoſe that doe make Aſſault vpon any priuate perſons, ſo alſo may they arreſt any ſuch as ſhall make aſſault (or Affray) vpon themſelues whileſt they be in doing their offices: and may for that purpoſe both lawfully defend themſelues, and alſo take the offendors & commit them to the Gaole, or carrie them to a Iuſtice of the peace, for the finding of ſuch ſuretie as is aforeſaide.

Barr. 101. en Fitzh. But if one do aſſault a man, in, or nigh the highway, to robbe him, and be taken by the true man, or by any other, and be brought to the Conſtable, or ſuch other Officer of the place: then ought ſuch Officer, not onely to take him to his ward, but alſo to carrie him before a Iuſtice of Peace to cauſe him to giue ſuretie for his Good abearing.

5.Ed.3.cap. 14. 17.Ed.4.5. So, if any man doe ſuſpect an other of Murder, or Felonie, and doe declare the ſame to any ſuch Officer of the place, then ſuch officer may arreſt the ſuſpected perſon,

son, and he shall doe well to carrie him to a Iustice of the Peace together with him that doth suspect him, to that end that they both may be examined as appertaineth. Yea, any of these saide officers may search within the limit of his authoritie, for any persons suspected of Felonie: for it is a chief part of their office to represse felons. 2.Ed 4.9.

And therefore any of these Officers may (of his owne authorie) arrest one that is endited of Felonie: So, if the common voice and fame be, that A. B. hath done a felonie, that is sufficient cause for anie of these Officers (that shall thereof suspect him) to arrest him for it. 5.H.7.45.

And I like well of their opinion, which doe holde, that if information be giuen to any such officer, that a man and a woman be in adulterie, or fornication together, then the officer may take companie with him, and that if he finde them so, he may carie them to prison. 1.H.7.7.

But this is to be marked, that in the cases before, and such like, where such an Officer hath arrested, or hath in his warde anie offendour that ought to be carried to the Gaole, there such an Officer is not bounde forthwith to carrie him, but may well for a reasonable time keepe him in 3.H.4.9. 22.Ed 4.[illegible] 14. 21.

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the Stockes, vntill that conuenient prouiſi-
4.E.3.c.10. on of ſtrength may be made to conuey him ſafely thither. And when hee ſhall bring ſuch offendour to the Gaole, then ought the Gaoler to receiue the ſame freely, without taking any thing of the Officer for it.

Seruing of precepts.

15 Hitherto (as you ſee) I haue ſpoken of the Conſtable, & of theſe other Officers, ſo farre onely as they haue authoritie by their owne offices, without any commandement from others. But forasmuch as a great part of their dutie (concerning the peace) reſteth in the making of due execution of the precepts of higher officers, and eſpecially of the Iuſtices of the peace, who be (as it were) immediatly ſet ouer them, let vs alſo ſee after what maner theſe Conſtables, and other the ſaide inferiour miniſters of the peace, ought to behaue themſelues in that behalfe.

Albeit then, that theſe ſaide Officers be ſubiect to the commaundements of the Iuſtices of gaole deliuerie, and of Oier and Terminer, and of ſome Higher Iuſtices, yea, and to the preceptes of Coroners alſo, and of other Officers, in ſome certaine caſes, yet becauſe moſt commonly they are
14.H.8.18. called vppon by the Iuſtices of Peace, they
31.H.7.22. ought ſpecially to ſhewe themſelues obe-

dient to their preceptes, & may not dispute whether their commandements be grounded vpon sufficient auctority, or no: as knowing that although a Iustice of the Peace (which is a Iudge of Record) should direct a Warrant beyond his auctoritie to a Constable, or one other of the saide officers, yet shall such officer be holden excused for executing the same, howsoeuer that Iustice of peace himselfe be blamed for it.

If therefore a Warrant for the Peace, or good abearing, happen to be directed to any of these saide Officers, then ought hee with all spéede and secrecie to finde out the partie: and then also may he laie his handes vpon him, and shewe him the matter, and require him in the Queenes name to goe with him to putte in suretie according to the Warrant. And this if the partie shall refuse to doe, then ought such Officer forthwith to arrest him, and to conueigh him to prison, without carying him to any Iustice: in which doing, if the partie shall offer any resistance, or shall seeke to escape, then also may such Officer iustifie the beating, or the hurting of him. 21. H. 7. 39.

But if the partie shall yeelde to goe and giue Suretie, and yet will not goe to such Iustice as made out the Warrant, but to 21. H. 7.

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ſome other Iuſtice, then ought ſuch Officer to giue him that libertie, ſo that it be not farre out of the Limite, for elſe ſo greate trauaile might folow vpon the Officer, as rather he than the offendour might ſeeme to be puniſhed by it.

And here the Officer muſt take regard, and conſider whether the Warrant doe come directly from the meere auctoritie of the Iuſtices of Peace, or elſe be grounded vpon a Writ of *Supplicauit* ſent downe from higher auctoritie (which difference ought to appeare plainely in all Warrants that be well and orderly made.) And if the Warrant be grounded vpon ſuch a Writte, then may ſuch Officer compell the partie to goe to the verie ſame Iuſtice or Iuſtices of Peace that made out the Warrant, and otherwiſe he may carrie him to priſon, as is ſaid before.

Neither is it requiſite, that ſuch an Officer ſhould daunce vp and downe after the partie (as manie vſe to doe) vntill hee can find out ſuerties, but he may lawfully keepe him, vntil that he can get ſureties to come vnto him: the ignorance of which point is the cauſe, both that manie an euil man eſcapeth, and manie an honeſt Officer is puniſhed for it.

But here it happeneth manie times, that the partie (hearing that the peace is graunted against him) offereth himselfe with sureties, for that cause vnto some other Iustice of peace, or findeth such surety in some of the Courtes at *Westminster*, and so hath a *Supersedeas* readie to shewe such Officer, as commeth to him with a Warrant as is aforesaid. Now, if that be so, then is the Officer discharged thereby, and ought not anie further to molest the partie. But yet it shall be good, that such Officer do keepe the *Supersedeas* for his better discharge: least otherwise he be called to account for not serving the warrant that was sent vnto him.

If a Warrant be directed to a Constable, or such other Officer, to arrest one that is endited of Felonie, then may such Officer iustifie the killing of such a partie, if it so be, that he cannot other wise take him: or if so be, that he resist, or flie, when he is taken. 22. *Lib. Ass.* 55. *Coron.* 261. 288. 328. *en Fitzh.*

Finally, the Constable, or such other of the said Officers, having arrested any to be conueyed to the Gaole, must take good heede, that he doe not willingly, or negligently, suffer such partie to escape from him. For, if the arrest were for Felonie, then

then by a willing escape, the Officer himselfe becommeth a Felon also. And of whatsoeuer other kinde the offence be, if the Officer doe, by his will, or negligence, suffer the partie to escape from him, he shall be fined for it, according to the quantitie of his fault, by the discretion of those that shall be Iudges of it. And least anie such Officer should flatter himself, in thinking that he may passe through with some easie Fine, I let him knowe, that the Iudges of his fault maie set his fine, equall with the valew of all his goods, if in their discretions the same do so require.

11.H.4.12. Stanf.35.

16 Thus haue I performed the first parte of my promise, and haue shewed what is the equall and like dutie of euerie of these saide Officers in matters concerning the Peace, both by their owne auctoritie, and also in doing the commaundements of the Iustices of Peace: nowe therefore I must goe forwarde to the second parte of my purpose, and am to declare their like duetie in other points of seruice, that doe not concerne the Peace. For, equall power is indifferently giuen to anie of these Officers by some Statutes of the realme, whereof those that followe be the chiefe.

The equal duetie of these Officers, in matters besides the Peace.

Attendant for the execution of statutes.

17 All Constables, and other the saide Officers, ought to be attendant, aiding, and assisting to the Iustices of Peace, for the execution of all and euerie the acts (made in, or before the Parliament, holden in the 33. yeare of the raigne of King Henric the eight) concerning Retainors, giuing of Liueries, Maintenance, Embracerie, Bowestaues, Archerie, Vnlawfull games, Forestallers, Regrators, Victuaile, Victuailers, and Inholders, or anie of them vppon paine that the said Constables and other the said Officers shall make such Fines, as by two of the saide Iustices of Peace shall be assessed. 33. H 8. ca. 10. & 37. H.8 ca.7.

Phisitions.

18 All Constables, and other the said Officers within London, or within seuen miles thereof, ought (vpon request made) to aide and assist the President of the Colledge of the Phisitions in London, & other persons authorized for the due execution of the Statutes made concerning Phisitions, Apothecaries, and Surgeons. 14. H. 8. ca. 5. 32. H. 8. c. 1. 1. Ma. Parl. 1. cap. 9.

Purueiors.

19 If anie person shall (without lawfull bargaine) purueiw or take anie thing of anie of the Queenes liege people, to the vse of anie (other than of the Queene and her house) and thereof notice be giuen to the Constable, or such other Officer of the 23. H. 6. ca. 14.

place,

place, then ſuch Officer ought (vnder the paine of twentie pounds) to arreſt ſuch taker, and to carrie him to the next priſon.

28. H 6. ſtat. 2. c. 2. No Purueyour of the Queene ought to take anie horſe, or cart, but by the deliuerie of the Maior, Bailife, Conſtable, or ſuch other officer of the place whence that taking ſhall be.

25. Ed 3. cap. 1. 36. Ed. 3. ſtat 2. ca 3. Corne ought to be taken for the Queenes houſe, by ſtriked meaſure of eight buſhels to the quarter, according as is vſed throughout the lande: and the takers of all thinges to be taken for the Queenes houſe, ſhall make their purueiance by the verie values thereof, by the view of the Conſtable, or other ſuch Officers, and by appraiſement vnder oathe of foure other good men of the towne, where the taking ſhall be: and ſuch taking ſhall be made without driuing the priſours by compulſion, menacing, or other villanie, to ſet any other price than their oath will, and as commonly runneth in the nerte Markets.

2. & 3. P. & Mar. ca. 6. Bakers, Vndertakers, their Deputies, or ſeruantes, ſhall not take anie Beeſes, Weathers, Lambes, Calues, or anie kind of Salt fiſh, or anie kind of graine, or anie Butter in anie veſſels, or Cheeſe, Bacon,

Conies, Pigs, Geese, Capons, or Hens, but by Commission and a Blanke thereto for that yeare annexed: in which Blanke, the said seuerall things so to be taken, and the prises of them shall be written, and to which Blanke the high Constable, Petie Constable, or Headboroe of the place where anie such taking shall be, ought to subscribe his name or signe manuel. And such taker ought then also to make a brief or Docket in writing subscribed with his name, containing euerie of the said things so taken in euerie place: and ought then also (vnder the paine of a hundred marks) to deliuer the same to the saide high Constable, petie Constable, or Headboroes, who also ought to deliuer it ouer to the Iustices of Peace at their next generall Sessions within that countie.

20 In the takings for the Queenes house, Tailes (or Indentures) ought to be made and sealed betweene the taker and y owner (in the presence of the Constable, or such other Officer, and the preisors of the place) by which Tailes (or indentures) satisfaction ought to be made to the owner for his things so taken. 10. Ed. 3. cap. 1.

21 If anie Taker will make pursuey- 20. H. 6. f.
ance of anie thing (not exceeding the value

of

of xl. ſ.) and make not readie paiment in hand therefore, it is lawfull for the owner to retaine the thing ſo taken, and to reſiſte ſuch purueyance: and the Conſtable, Tythingman, or Chiefe pledge of the place (being thereto required by the owner) ought to aide and aſſiſt ſuch owner in making ſuch reſiſtance, vnder paine to yælde vnto him the valew of the thing taken, and his double dammages.

14. El. ca. 5. 22 If the Conſtable, Tythingman, or ſuch other officer, of anie place, be negligent, and doe not his beſt indeuor, for the apprehenſion of all ſturdie Rogues, or vagabonds, that ſhall beg, wander, or miſorder themſelues within his auctoritie, and for the bringing of them before a Iuſtice of Peace, but ſhall ſuffer anie ſuch to eſcape, then ſhall ſuch Conſtable or Officer forfaite vi. ſ. viii. d. for euerie ſuch Rogue. Rogues.

21. H 8. c. 2. 23 All Conſtables and other the ſaide
22. H. 8 c. 14 Officers muſt be attendant vppon Coro-
32. H. 8. c. 3. ners, for the abiuring and conueying of ſuch perſons, as ſhall take the Churchyard as a Sanctuarie, for ſafegard of their liues, by occaſion of anie Felonie by them done. Coroners.

24. All theſe things heretofore rehearſed, whether they concerne the preſerua-

tion

tion of the Peace, or anie other matter besides the Peace, may and ought to be done and executed indifferently (as I thinke) by anie of the said Officers within the precinct of his auctoritie: that is to saie, aswel by the high Constable of the whole Hundred or Franchise, within his Hundred or Franchise, as by the Constable, petie Constable, Tythingman, Borsholder, Boroehead, Headboroe, Thirdboroe, or chiefe pledge, within his town, parish, tything, Boroe, or Hamlet: and that so, as none of them hath more power of office therein than the other, although some of them haue larger limite of place than the rest.

High Cõstable of a Hundred.

But now I am come to such things as do seuerally belong to some of these Officers, so as the other maie not meddle therewith, (which is the thirde parte of my promise) and therefore I wil take that in hand also: and because the Constable of the Hundred or Franchise, is the greatest of these Officers, both in respect of his larger precinct of place, and also of the higher trust that is committed vnto him, I will begin at him: who, as he is not by and by set alone, but is for some matters no further auctorized than some other of the saide Officers, so I wil first beginne at those,

thoſe and then come to the reſt that belong onely to himſelfe.

14. El. ca. 5. 25 The mony appointed to be leuied by the Churchwardeins of euerie pariſh each Sonday for the reliefe of priſoners in the Gaole, ought (vnder the paine of fiue li.) to be payed by them once euerie quarter of a yeare to the high Conſtables, or head Officers of euerie Hundred, Riding, Wapentake, towne, or pariſh: and the ſayde high Conſtables, or head Officers ought (vnder the paine of 5. li.) to pay ouer the ſame mony ſo to them payed, at the nert quarter Seſſions of the Peace, to ſuch perſon as ſhall be appointed by the Iuſtices of Peace to receiue the ſame. Priſoners.

14. El. cap. 5. 26 If any perſon lawfully appointed by the Iuſtices of Peace to be Collector for the poore, ſhall refuſe to accept it, or accepting it, ſhall be negligent therein, he ſhall loſe to the poore of that place forty ſhillings, which ſhall be leuied by diſtreſſe, or recouered by Action by the high Conſtable, or Tythingman of the place: who alſo, if hee be negligent, or refuſe ſo to ſue within two monethes next after ſuch default, ſhall loſe fiue pounde. Collector for the poore.

It ſeemeth to mee, that in theſe two caſes nert aboue, the wordes, high Conſtables,

bles, high Tythingmen, and Head Officers doe exclude Petie Constables, Borsholders, and such like to meddle therein: because none are called High, or Head, but in comparison of Low and Base. Nowe therefore I will speake of matters concerning the high Constable of the hundred alone.

High Constable alone.

Petie Sessions.

27 High Constables of Hundreds in all such shyres, where Petie Sessions for servants and labourers (otherwise called statute Sessions) were used to be kept, before the first day of the Parliament holden in the fift yeare of the raigne of our gracious Queene Elizabeth, may yet still hold their saide Sessions, so that nothing be done in thē, repugnant to the Statute of labourers and seruants made in the same Parliament. 5. El. cap 4

Watches and highwayes.

28 The Constables of hundreds, and of Franchises, ought to make presentment to the Iustices of Peace, and to all other Iustices thereto assigned, of the defaultes of watches, and of the defaultes of the Queenes highwayes, not enlarged so, as no ditches, Underwood, or bushes be within 200. foote on euerie side of the same, and also of such as lodge strangers in vplandish townes, for whom they will not answeare. 13. E. 1. stat. Wynton.

29 The

14. El. ca. 5. 29 The Conſtables, or Tithingmen of euery hundred, Rape, or Wapentake, in which any abiding place to ſette the poore people in, ſhall be appointed by the Iuſtices of Peace, ſhall once euerie moneth (vnder the paine of xx. ſhillings) make a view and ſearch of all the aged, impotent, and lame perſons within their authoritie, and all ſuch as they ſhall finde, not being borne, nor within thrée yeares next before dwelling within that diuiſion, (except leprouſe and bedread perſons) they ſhall preſently ſée conueyed, on horſebacke, in Cart, or otherwiſe by their diſcretions, to the next Conſtable, and ſo from Conſtable to Conſtable, the directeſt way, till euerie of them be brought to the place where hee or ſhée was borne, or moſt conuerſant by the ſpace of thrée yeares next before, there to remaine in ſome ſuch abiding place, or otherwiſe to be prouided for. Poore people.

2. & 3. P. & Mar. cap. 8. & 5. El. cap. 13. 30 Eſtreates indented ought to be made by the Clarkes of the Peace, & by Stewards of Leetes, of all forfaitures ryſing in the Seſſions of the Peace, or in Leetes, vppon the ſtatutes of Highwayes: of which Eſtreates, one part ought to bee deliuered yearely within ſixe weekes after Michaelmas, to the Bailife or high Conſtable of the Hun- Highwaies

Hundred, Lath, or Wapentake, wherein the default was committed, and the other part to the Constable and Churchwardeins of the parishe in which the default was made, to the intent, that such Bailiefe, or Chiefe Constable, may thereby leuie by distresse the same forfaitures, or the double thereof (if no distresse can be founde, or if such forfaitures be not payed within 20. dayes after a lawfull demaund of the same by the saide officer) & to the intent also that the said Constable & Churchwardeins of the parish may thereby call the saide Bailife, or High Constable to account before two Iustices of the Peace (the one beeing of the Quorum) betweene the first day of March and the last of Aprill yearely for the sayde forfaitures, which ought by ꝑ said Churchwardeins to be bestowed on the Highwaies in their parish. And vppon such account, euerie such Bailiefe, or High Constable shal haue for his paines viii. d. of euerie pound leuied and payed by him, and may also retaine vii. d. for the fée of the Clearke of the Peace or Stewarde of the Leete, for euerie such Estreate by any of them deliuered, as is aforesaide.

Constable of a towne

31 Next after the Constable of the hundred, Wapentake, or Franchise, followeth the

the Conſtable of a towne, who is ſome-where called a high Conſtable, for that he hath there a Petie Conſtable vnder him, & is ſometimes alſo termed a Head Officer, becauſe in ſome Corporate townes Cõſtable is part of the name of their Incorporation. And now alſo becauſe there be ſundrie things that are by the Statute lawes indifferently referred to him, or to the Tythingman, Borſholder, or ſuch other inferiour officer of the place: therefore I will firſt ſet downe thoſe, and then afterward ſpeake of the reſt that are committed to him onely, and to none of them.

5. El. cap. 4. 32 No perſon retained in husbandrie, or in anie the Arts appointed by the Statute of Laborers (made in the fift yeare of our ſoueraigne Ladie Queene Elizabeth) may depart, after the time of ſuch retainour erpired out of the Towne or Pariſh where he laſt ſerued, to ſerue in an other, vnleſſe he haue a Teſtimoniall vnder the ſeale of the Conſtable, or other ſuch Officer, and of two other honeſt houſholders of the Towne or Pariſh where he laſt ſerued, according to this forme: *Memorandum*, that A. B. late ſeruant of C. D. of E. in the countie of K. husbandman, or Tailer, &c. is licenſed to departe from his ſaide Maiſter, and is at his libertie to ſerue Seruantes.

elsewhere, according to the statute in that case made and prouided. In witnes whereof, &c. dated the daie, moneth, yeare, and place, of the making thereof. Which Testimoniall, the Parson, Vicar, or Curate of the parish where such Master, Mistres, or dame doth dwell, ought to register, taking onelie ij. d. therfore. And if such person be accepted into anie other seruice, without shewing such Testimonial to the Constable, or such other Officer, Curate, or Churchwardein of the place where hee shall be accepted, he shall be imprisoned till he procure such a Testimoniall, which, if he do not within 21 daies next after the first daie of his imprisonment, he shall be whipped as a Vagabond.

Labourers. 33 In the time of hay, or corneharuest, the Constable, or such other Officer of any towneship, vpon request made, and for auoiding the losse of any corne, graine or hay, may cause all such Artificers, and persons (as be meete to labour) by his discretion to serue by the day, for the mowing, reaping, shearing, getting, or inning of corne, graine, or hay, according to the skill and qualitie of the person: and if any such person shal refuse so to do, then ought such Officer (vnder the paine of fortie shillings) to imprison such refuser in the, 5. El. cap. 4

Stockes

Stockes, by the ſpace of two daies & one night.

13. El. cap. 3. 34 Euerie Rogue that ſhall be apprehended, ought to be conueyed (from the Iuſtice of Peace before whome he ſhall be brought) by the Conſtable, or ſuch other Officer of the pariſh where the apprehenſion ſhall be, but onelie to the Conſtable, Tythingman, or other ſuch Officer of the next townſhip, or pariſh in the nert hundred, & ſo from one Hundred to an other, by the Conſtable, or ſuch other Officer of euery ſuch townſhip or pariſh which ſhall be next in euerie ſuch Hundred, the direct waie, vntil they ſhal come to the Gaole or priſon appointed for ſuch Rogues: vnder the paine of vi. ſ. iiii. d. for euerie default of ſuch Conſtable or Officer. Rogue.

35 The Conſtable, Borſholder, or other ſuch Officer, and the Churchwardeins of euerie pariſh, ought yearely vppon the Tueſday or Wedneſday in Eaſter weeke, to call together a number of the pariſhioners, and to chooſe two honeſt men of their pariſh, to be ſurueiors of the works for amendment of the highwaies within their pariſh leading to any market town: and ought then alſo to appoint fiue daies for the amendment of thoſe highwaies before Midſommer then next following: Highwaies

And ought openly in the Church, the next Sondaie after Eaſter, to giue knowledge of the ſame fiue daies.

They alſo ought to haue one parte of the Eſtreates indented, and may call the Bailife or high Cõſtable to Accompt, concerning the forfaitures, for default of amending High waies, as hath alreadie appeared before. And they alſo, or anie of them maie leuie by Diſtreſſe, and by ſale of ſuch Diſtreſſe, al ſummes of mony forfeited for anie cauſe within the Statute of High waies made in the eightēnth yeare of the Queenes Maieſtie that now is (if ſo be that the Surueyours of high waies, ſhall not before haue leuied and employed the ſame, within one yere next after the offence committed) and ſhal yéeld Accompt thereof before two Iuſtices of the Peace, as is aforeſhewed. 2. & 3. Phil. & Mar. ca. 8. & 5. El. cap. 13. 18. El. c. 10.

36 Theſe things laſt aforeſaid, do (in mine opinion) pertain as wel to ẏ charge of a Tythingmā, Borſholder, Headboroe, chiefe pledge, or ſuch other inferiour Officer of a towne or pariſh, as they do to the Conſtable of ſuch a towne or pariſh, that hath anie of thoſe other officers there vnder him. But ſome other points of charge there be, that belong to him onelie, and to none of them: as for example. Things belonging only to the Conſtable.

37 Cue-

8.H.6.ca.5. 11.H.7.c.4. 37 Euerie Citie, Boꝛough, and market towne, that haue a Conſtable, ought alſo to haue commõ meaſures ſealed and alſo common weights ſealed, at which the inhabitants may freely weigh. Weightes and meaſures.

14.H.6.ca.5 38 If anie Woolles, oꝛ other Marchandiſe, be ſhipped to the Staple, in any ſuſpected place adioining to the coaſt of the water, then Indentures ought thereof to be made betweene the owner, and the Maior oꝛ Conſtable of that place: oꝛ otherwiſe, ſuch marchandiſe ſhall be foꝛfaited. Marchandize.

33.H.8.c.9. 39 The Maior, Shirifes, Bailifes, Conſtables, and other head officers within euery Citie, Boꝛough, & towne within this realme, where anie ſuch officers be, ought vnder the paine of 40.s. foꝛ euery default, once euerie moneth at the leaſt, to make ſearch (as well within liberties, as without) in al places where any vnlawfull games ſhall be ſuſpected to be kept, and may arreſt and impꝛiſon as wel ỹ keepers of ſuch places, as the haunters to the ſame, till they be bound, no moꝛe to keepe and haunt ſuch places. And if anie ſuch Head Officers, ſhall finde oꝛ knowe, that anie artificer, craftesman, huſbandman, appꝛentice, labourer, ſeruant at huſbandꝛie, iourneyman, oꝛ ſeruant of artificer, oꝛ that anie mariner, Vnlawfull games.

fisherman, waterman, or seruingman, doth play at the Tables, dice, cardes, tennise, bowles, clash, coiting, logating, or anie other vnlawfull game, out of Christmas time, or out of their Masters house or presence in the Christmas time, vnlesse it be by the licence of such Maister as hath 100. li. by the yere, or aboue, and then also, that playing be within the precinct of such Masters house, gardeine, or orchard) then such head Officer may commit such offendour to warde, till he will be bound by Obligation to the Queenes vse (in such summe as to the discretion of such Officer shall be thought reasonable) that he shall not from thencefoorth vse such vnlawfull games.

Bridges. 40 Those foure Iustices of Peace, that be authorised by the Statute to make taration of money for the amendment of any decaied bridge in the high waie, ought to make that Taration, by the assent of the Constables, or of two of the most honest inhabitants, of euerie Towne or Parish. 22.H.8.c.5

Vessels. 41 In al Cities, Boroughs, & townes, wherein no Wardeins of Cowpers be, the Maiors, Shirifes, Bailifes, Constables, or other head Officers there, haue power to search, view, and gawge, barrelles, kilderkins, 23.H.8.c.4

derkins, firkins, and other veſſelles, to be made there, and to take ſuch aduauntage therby, and in ſuch maner, as by the wardens of Cowpers within the citie of London maie be taken on euerie behalfe.

42 The Maiors, Shirifes, Conſtables, and other head Officers of anie place, to which woollen hattes, bonnets, or cappes, (being made out of this Realme) ſhall be brought, ought (vpon knowledge thereof to them to be giuen, by the Cuſtomer of ſuch place, or his deputie) to ioine with ſuch Cuſtomer or deputie, in the ſale of ſuch hattes, bonnets, or caps, for ſuch prices, as by the ſtatute are limited, vpon paine to forfaite xx. li. for euerie time that they ſhall be remiſſe in ſuch ſale. Hattes & Cappes. 31. H. 8. c. 9. 1. Mar. parl. 1. ca. 11.

43 In all theſe caſes alſo, laſt before rehearſed, it ſeemeth that Borſholders, Tithingmē, Headboroes, and other ſuch (being in townes, or pariſhes, vnderneath Conſtables that be there) cannot meddle, bicauſe ſuch Conſtables be, in compariſon of them, called Head Officers.

Now therfore vpō al ỹ whole diſcourſe before writtē, it may wel appeare, ỹ Borſholders, Tythingmen, Headboroes, Boroheads, Thirdboroes, and chiefe pledges, whether they be there ỹ onlie Officers for the peace, or be vnderneath Conſtables, The concluſion.

may within their Borowes, Tithings, or Hamlets, do manie things that the others may doe: and that there are manie other points which thoſe other Officers may do, and wherewith theſe Borſholders and the reſt cannot meddle at all. And therfore, to auoide idle repetition of matters alreadie ſpoken, I ſaie ſhortly, that if an vnder Borſholder, Tythingman, Headboroe, Boroehead, Thirdboroe, or chiefe pledge, will ſée what belongeth to him to doe, he muſt looke before vpon all ſuch caſes, where his power is declared to be equall (for thoſe points) with the power, either of a High Conſtable of the Hundred, or a Conſtable of a towne or pariſh: for in all ſuch things he hath to deale as well as they: But where any thing before is ſhewed to pertaine onelie to the High Conſtable of a Hundred, or only to ỹ Conſtable, or chiefe or head Officer of a town, or pariſh, there ſuch a Borſholder, Tythingman, or anie of the reſt, hath nothing to do with it.

And thus hauing opened ſo ſhortly and plainely, as I could, the duties of all theſe ſaid miniſters of the peace, I doe ſhut vp this worke: deſiring thoſe that ſhall take anie profite of this labor, to yéeld thankes to God the moſt liberall giuer.

For

FOr the more eaſe of euerie of theſe Officers, in finding out of that which belongeth to them, I haue diuided this treatiſe before into 43. Articles (or parts) by which eche of theſe Officers may readily come to al that which belongeth to his owne charge, if he will marke this Table following, for,

The High Conſtable of the Hundred, Franchiſe, or Wapentake, hath to deale with all thoſe matters, that be contained within anie of theſe Articles, that is to ſay,

Article	Concerning
3.	His name.
4.	His beginning.
11. 12. 13. 14. 15.	The peace to be kept, and ſeruing of warrants.
16. 17. 18. 19. 20. 21. 22. 23.	Execution of Statutes, Phiſitions, Purueyors, Rogues, Coroners.
24. 25. 26. 27. 28. 29. 30. 43.	Priſoners, poore, pety ſeſſions, Watches, Highwaies, poore, highwaies.

The Conſtable of a Towne, or pariſh hath his part in all ſuch things as be expreſſed in anie of theſe Articles.

Articles	Concerning
4.	His name and beginning.
11.12.13.14.	Keeping of the Peace: Seruing of Warrants: Execution of statutes: Physitions: Purueyours: Rogues: Coroners.
15. 16. 17.	
18. 19. 20.	
21. 22. 23.	
24:25:26:	Prisoners: Collectors for the poore: Seruants or labourers: Rogues: Highwaies: Weights & measures: Marchandize: Unlawfull games: Bridges: Vessels: Hattes & Caps.
31: 32: 33:	
34:35:36:	
37:38:39:	
40:41: 42:	
43:	

And euerie Borsholder, Tythingman, Boroehead, Headboroe, Thirdboroe, and chiefe pledge, may for his Boroe, or Tything, learne his office by these Articles:

Articles	Concerning
5.	His name beginning: first Office: latter Office.
6.7.8.9.	
10:11:12:	Keeping of the Peace: seruing of Warrants: Execution of statutes: Phisitiõs: Purueiors: Rogues: Coroners.
13:14:15:	
16:17:18:	
19:20:21:	
22:23.	
31:32:33:34	Seruants and labourers: Rogues: Highwaies.
35:36:43.	

The

The duetie of Churchwardeins.

WHileſt I paſſed thorow ſome of the Statutes before, concerning the Offices of Conſtable & Borſholder, I found them mingled with diuers dueties pertaining to the Churchwardeins of pariſhes: the Surueiours of the highwaies: the Diſtributours of the prouiſion for the deſtruction of vermine: the Collectors & Ouerſeers for the poore: and the Wardeins and Collectours for the houſes of Correction: whereby I was alſo moued to adde ſomewhat of theſe Offices, the rather becauſe I was perſwaded, that with that little more of labor, I might do a great deale more of good, ſeeing that thereby the plaine countrieman ſhould (after a ſort) be furniſhed with all manner of vnderſtanding (in the temporall lawe) needefull for the exerciſe of anie of thoſe Offices that maie lightly fall vpon him.

Firſt therefore, I will ſpeake of the Churchwardeins office, but that ſo farre forth onelie, as the common lawes and ſtatute

ſtatute lawes of the Realme do leade me, knowing that ſuch other parts of that Office as do reſt vpon the Lawes Eccleſiaſticall, be from time to time ſufficiently both taught and called vpon, by thoſe that haue the Execution of the ſame.

Office of Churchwardeins, by the cõmon lawe.

Theſe Churchwardeins of Pariſhes be taken (in fauour of the Church) to be for ſome purpoſes a manner of Corporation at the common law: that is to ſaie, Perſons inabled by that name, to take moueable goods, or chattels, and to ſue, and bee ſued at the law, concerning ſuch goods, for the vſe and profite of their pariſh. 12. H. 7. vltimo. And therefore, a man maie wel in his life time giue, or by his laſt will bequeath, money, or other moueable things, to the Churchwardeins or to the pariſhioners of a Pariſhe, either for the reparation of their Church, or towards the buying of bookes, Communion cuppes, linnen clothes, or other decent ornaments or furniture for the Church. Which manner of gift is ſo much fauored in the Lawe, that it is not altogether nedefull in ſuch a gift, for a man to vſe expreſſe wordes, or writing. For if a man do buy a Bel, & do hang it vp in the Steeple, or do make a Pewe, and do ſet it vp in the Church, and doe neither make anie word or writing thereof, yet is Lib. Intra. fol. 576.

this

11.H.4.12. 8.H.7.12. this Bell or Pewe, by this dedicated or giuen to the Church.

2 Nowe, although Churchwardeins shall haue none Action at the common lawe to recouer a legacie, or such other thing which they neuer had: yet neuerthelesse, if anie such goods, or ornaments of the Church be once in their possession and custodie, then shall they maintaine an Appeale of robberie against him that stealeth them, or an Action of Trespasse against him that shall wrongfully take them away, though it be the Vicar, or Parson himselfe, and the damages that they shall recouer thereby, shall be to the vse and benefit of the Parish, and not to their owne vse. But if those Churchwardeins (from whom the goods were so taken) shall happen to die, before anie Action by them brought for the goods, yet shall the next Churchwardeins haue Action for the same.

They shall haue Action.

37.H.6.30. & 34. 11.H.4.12. 8.E.46. Fitz.nat.br. 91.K.uei 19 H.6.66. al.contrar.

3 And forasmuch as these Churchwardeins be officers, put in trust for the behoofe of their parish, therefore also are they not enabled with anie other power, than for the good and profite of the parish. So that Churchwardeins can neither giue away, nor release, at their own pleasure, the goods of the Church. For if the Parishioners

They may not waste y Churches goods.

shioners shall finde that they doe vnprofitably waste, or mispend the goods of the Parish, thē may they remoue such churchwardeins, by making their choice of new: which new Officers maie (by Action of account) call to account the former Churchwardeins, and shall thereby compell them, both to giue reckoning of their doings during their office, and also to make satisfactiō to the vse of the Parish, for the harme that it hath receiued by their fault. And although the vsage and custome of the Parish be, that the Churchwardens there shal continue in their Office, by the space of one whole yēre, or two yeres or more (as indeed some Parishes haue such customes) yet vpon such, or the like misdemeanour found in them, may the parishioners at all times proceede to an Election of newe Churchwardeins, & may remoue the olde, for that otherwise they haue no meane by our Law to call them to their Account, but by such as shall be put in their place. Neuertheless, those former Churchwardeins shall (vpon the making of such their Account) haue allowance of all needefull summes of money, or other things, which they haue expended, either vpon the reparatiō of the bodie of the Church or for the prouision of meete and lawful ornaments

They may be remooued, and brought to account.

8.E.4.6.

26.H.8.5.

or

or other furniture of the Church or Parish: because they are compellable (by the Ecclesiasticall Lawes) so to laie forth the goods of the Parish committed to their custodie and charge. They shall haue allowance also (vpon such their Account) of the money payed by them for reliefe of prisoners in the common Gaole, by vertue of the statute 14. El. ca. 5. and of whatsoeuer other thing that they are by lawe chargeable to do.

4 This (in effect) is the power and charge that the common lawe doeth giue to Churchwardeins: for, as touching any estate in landes, or the profites of anie lands, Churchwardeins haue not to meddle at all: In so much, that if the walles, windowes, or doores of the Church, be broken, or the trees in the Churchyarde be cut downe, or the grasse thereof be eaten vp, then the Parson, or Vicar (and not the Churchwardeins) shall haue the Action for it: because Churchwardens are not by lawe allowed to be a Corporation for anie other thing, than for moueable goods onelie. Now therefore I wil shew how their office is increased by a fewe Statute lawes, that doe concerne the same.

They haue not to doe with lãds.

11.H.4.13.
11.H.7.27.
23.H.7.9.

Churchwardeins office, by ſ ſtatute.

5 All persons inhabiting within the

Queenes

Repaire to the Church.

Queenes maieſties dominion, ſhall diligently and faithfully (hauing no lawfull or reaſonable excuſe to be abſent) indeuor thẽſelues to reſort to their pariſh Church or Chappell accuſtomed, or (vpon reaſonable let thereof) to ſome vſuall place where common prayer and ſuch ſeruice of God (as is contained in the booke of common praier) ſhall be vſed in ſuch time of let, vpon euerie Sunday and other daies ordained & vſed to be kept as holie daies: and then and there to abide orderly and ſoberly, during the time of the common prayer, preachings, or other ſeruice of God, there to be vſed and miniſtred, vpõ paine of puniſhement by the Cenſures of the Church, and alſo vpon paine that euerie perſon ſo offending ſhall forfeit for euerie ſuch offence xii. d. to be leuied by the Churchwardeins of the pariſh where ſuch offence ſhall be done, to the vſe of the poore of the ſame pariſh, of the goods, lands, and tenements of ſuch offendor, by waie of diſtreſſe. 5. El. cap. 2.

Highways

6 The Conſtables and Churchwardeins of euerie pariſh ſhall yearely vppon the Tueſdaie or Wedneſdaie in Eaſter weeke, call together a number of the pariſhioners, and ſhall then elect and chooſe two honeſt perſons of the pariſhe to be Surue-

2. & 3. Phil. & M. ca. 8. & 5. El. cap. 13.

Surueiors and orderers of the workes for one yeare for amendment of the Highwayes in their parish, leading to any market Towne: which persons shall take vpon them the execution of their saide offices, vpon paine, euerie of them making default to forfaite xx. s. And the sayde Constables and Churchwardeins shal then also name and appoint sixe dayes for the amendment of the saide highwayes before Midsomer then next following: and shall openly in the Church the next Sundaie after Easter giue knowledge of the same sixe daies. And they also ought to haue one part of the Estreates Indented, and shal cal the Constables to account, &c. as it doeth appeare before in the 30. Article of the Constables office.

See after also in the office of the Surueiours of the High wayes, for leuying those forfaitures, by the Churchwardeins if the Surueiours shall not leuie and employ the same within one yeare after the offence committed.

5. El. cap. 5. 7 If any person within this Realme shal (without lawefull licence) eate anie flesh vppon anie daies nowe vsually obserued as fishdayes, or shall vppon any Wednesday nowe newely limited to bee obserued Eate flesh.

as Fishday, haue aboue one dish of flesh, for which also he shall then haue three seuerall dishes of Sea fish, shall forfait three pounds for euerie such offence, or else suffer three monethes imprisonment. And euerie person within whose house anie such offence shall be done, and being priuie or knowing thereof, and not effectually disclosing the same to some Publicke Officer hauing authoritie to punish the same, shall for euerie offence forfait fortie shillinges: The thirde part of all which forfaitures shall be to the vse of the Parish wherein the offence shall bee, and to be leuied by the Churchwardeins after anie conuiction in that behalfe.

Licence to eate flesh.

The licence for eating of flesh, to be giuen to anie person for notorious sickenesse, by the Bishoppe of the Diocese, or by the Parson, Vicar, or Curate of the Parish, ought to bee registred (if that sickenesse shall continue aboue eight dayes after such licence granted) in the Church booke with the knowledge of one of the Churchwardeins there: and the partie licenced shall giue iiij. d to the Curate for the entrie thereof. 5. El. cap. 5.

Destruction of verminc.

8 In euerie parish, the Churchwardeins, with fiue other parishioners (to be required by the Churchwardeins) shall yearely 8. El. ca. 15. & 14. El. cap. 11.

yearely in one of the holydayes in Easter weeke, and at euerie other time when it shall bee needefull, tare and assesse euerie person hauing the possession of any landes or tithes within that parish, to pay such summes of money as they shall thinke meete, according to the quantitie of such their landes or tythes. And if any such person doe denie to pay the same, or do not paie the same (within foureteene daies next after request thereof made by the Churchwardeins, or one of them) then such person shall forfait for euerie time v. shillings which (together with the summe assessed) shall be leuied by distresse of the goods and cattels of such person, to be taken by the Churchwardeins, or one of them, the same distresse to be ordered and vsed, as distresses taken for amerciaments in any Leetes. And aswell the saide summes as penalties, (if any of them be so leuied,) shalbe yearely by the Churchwardeins or one of them, for the time being, deliuered by Billes indented to two honest and substantiall persons of the parish which shalbe elected and appointed by the Churchwardeins, and shalbe named, The distributers of the prouision for the destruction of noysome foule and vermine. And if the sayde Churchwardeins, fire persons, or Distributers, or

any of them, shall refuse, or make default in the execution of anie part of this act, contrarie to the forme thereof, then such offendour shall forfaite for euerie default, v. li. the one moitie to the Queene, the other to him or them (vsing tillage yearely within the same shyre) that will sue therefore in any court of Recorde.

For the rest of the office of the Churchwardeins, concerning this matter, see afterwarde in the dutie of these Distributers. See also in Constables Artic. 25. for the Goale money to bee leuied by Churchwardeins.

The Office of the Superuisors, Surueighors, or Orderers of the workes for amending of the Highwayes.

Vppon the sixe dayes appointed for woorking in the highwaies in such sort as is before declared in the sixt Article of the Churchwardeins office, euerie person for euerie Plowe land in tillage or

2. & 3. Phil. & M. ca. 8. & 5. El. cap. 13.

or pasture that he or they shall occupie in the same parish, and euerie other person keeping there a draught or plough, shall finde and send, at euerie daie and place to be appointed for the amending of ỹ waies in the parish as is aforesaid, one waine or cart, furnished after the custome of the countrey, with Oxen, Horses, or other cattell, and all other necessaries, meete to carie things conuenient for that purpose, and also two able men with the same, vpon paine of euerie draught making default tenne shillings. And euerie other housholder, and also euerie cotager and labourer of that parish, able to labour, and being no hired seruant by the yeare, shall by themselues or one sufficient labourer for euerie of them, vpon euerie of the said fiue daies, worke and trauell in the amendement of the said high waies, vpon paine of euerie person making default to lose for euerie daie twelue pence. And if the cariages of the parish or anie of them shall not be thought needefull by the Superuisours to be occupied vpon anie of the saide daies, that then euerie such person that should haue sent anie such cariage, shall send to the saide works for euerie cariage so spared, two able men there to labour for that daie, vpon paine to lose for euerie man not

ſo ſent to the ſaide woꝛke twelue pence. And euerie perſon and carriage aboue-ſaide ſhall haue and bꝛing with them ſuch Shouels, Spades, Pickes, Mattocks, and other toles and inſtruments, as they doe make their owne ditches and fences with-all, and ſuch as be neceſſarie foꝛ their ſaid woꝛke. And all the ſaide perſons and cariages ſhall doe and kæpe their woꝛks, as they ſhall be appointed by the ſaid Superuiſors, oꝛ one of them, 8. houres of euerie of the ſaide daies, vnleſſe they ſhall be otherwiſe licenced by the ſaid Superuiſours, or one of them.

From henceforth it ſhall and maie be lawfull to all and ſingular Superuiſor and Superuiſoꝛs and oꝛderers of the woꝛkes foꝛ the time being, foꝛ the amendment of the ſaid highwaies therevnto elected and appointed, accoꝛding to the ſtatute made in the ſecond and third yeare of King Philip and Quéene Marie, foꝛ the better repaꝛation and amendment of the highwaies within their ſeuerall parithes and limites where they ſhall be ſo made Superuiſours (if it ſhall be ſo to them thought neceſſarie) to take and carrie awaie of the rubbiſh oꝛ ſmalleſt bꝛoken ſtones of anie Quarrie oꝛ Quarries lying oꝛ being within the parith where they ſhall be Superuiſors

ſors without licence, controlement or impeachment of the owners or owner, ſo much as by their diſcretions ſhalbe deemed and iudged neceſſarie to the amendment of the ſaid waies. And that for default of anie ſuch quarrie or quarries, it ſhall and may be lawfull to euerie ſuch Superuiſor, or Superuiſors, for ẏ vſe aforeſaid, in the ſeueral grounds of any perſon or perſons, being within the pariſh, and limits where they ſhall be Superuiſors, and nigh adioining to the waie or waies wherein ſuch reparations ſhall be thought neceſſarie to be made, and wherein grauell, ſand, or ſinder is likelie to be found, to digge or cauſe to be digged, for grauell, ſand or ſinder, and likewiſe to gather ſtones lying vpon anie landes or grounds within the pariſh, and meete to be vſed to ſuch ſeruice and purpoſe, and thereof to take and carrie away ſo much as by diſcretion of the ſaide Superuiſors ſhall be thought neceſſarie to be employed in the amendment of the ſaid high waies. Prouided alwaies, that it ſhall not be lawfull to anie ſuch Superuiſor, or Superuiſors, by vertue of this act, to cauſe anie rubbiſh to be digged out of anie Quarrie or Quarries, but onelie ſhal extend to ſuch rubbiſh as ſhalbe found there readie digged by the owner or ow-

ners of the ſaid quarrie or quarries, or otherwiſe by his or their licence and commaundement, nor ſhall not extende to giue auctoritie to any Superuiſour or Superuiſours to digge or cauſe to be digged, anie grauell, ſand, or finder in the houſe, gardaine, orcharde, or medowe, of anie perſon or perſons, nor that it ſhall be lawfull by this act to anie ſuch Superuiſour or Superuiſors to cauſe anie more pits to be digged for grauell in anie ſeuerall and incloſed ground than one onlie, and that the ſame pitte or hole ſo digged for grauell as is aforeſaid, ſhall not by anie waie be in breadth or length aboue ten yards at the moſt. And that euerie ſuch Superuiſor as ſhall cauſe anie ſuch pit to be made, and digged for grauell, ſand, or finder, as is aforeſaid, ſhall within one moneth next after any ſuch digging or pit made, cauſe the ſame to be filled, and ſtopped vp with earth, at the coſt and charges of the Pariſhioners, vpon paine to forfaite to the owner and owners of the ſoile, wherein anie ſuch pit ſhall be made and digged, for euerie default, fiue markes.

From henceforth, euerie ſuch Superuiſor and Superuiſors, as is aforeſaid, ſhal by force of this act, within the pariſh or limits, where he or they ſhal be Superuiſors, 5. El. ca. 13.

haue

haue full power & authoritie to turne anie such water course, or spring of water, being in anie of the saide highwaies, into anie ditch, or ditches of the seuerall ground or soile of anie person or persons whatsoeuer next adioining to the saide waies, in such manner and forme, as by the discretions of the said Superuisors shal be thought meetest and most conuenient.

Such Superuisor or superuisors, for the time being within one moneth next after default or offence, made, done, or committed by anie person or persons, contrarie to the prouision, purporte, and true meaning of the estatute made (concerning highwaies) in the second and third yeare of King Philip and Queene Marie, shall present euerie such default or offence to the next Iustice of Peace for the time being, vpon paine to forfaite for euerie such default and offence, in such sorte not by them presented, xl. s.

Euerie person or persons (except such as shall dwell in the Citie of London) that shall be assessed to the paiment of any Subsedie to his Maiestie to v. li. in goods, or 40. s. in lands, or aboue, during all such time as he shall stand so assessed and not altered, and being none of the parties chargeable for the amendment of high-

waies

waies by anie former lawe, but as a Cottager, shall finde two able men yearely, to labour in the highwaies, at such daies and times, as by the seuerall Statutes thereof are limited and appointed. And euerie other that hereafter shall occupie a plough lande in tillage or pasture, lying and being in seuerall Parishes, shall be chargeable to the making of the waies within the parish where he dwelleth, as farre forth, and in such maner and forme, as any person hauing a plough lande, in anie one parish, is or ought to be chargeable, by reason of the said former statutes, or either of them. And euery person or persons, occupying and keeping in his or their hands or possessions, seuerall or diuerse plough landes, as aforesaide in seuerall or diuerse townes, shall be charged to find in ech towne or parish (where the plough lands being in his occupying doe lie) one Cart, Waine, Tumbrell, dung Pot, or Court, Sleads, Carres, or Drags, furnished for the amendment and repayring of the highwaies within the seuerall parishes where the said plough landes doe lie, in such maner and forme, as if he or they were a Parishioner dwelling within the parishes, where the same seuerall plough lands do lie.

Euerie

Euerie person or persons, that shall not repaire, ditch, or scower, anie haies, fences ditches, or hedges adioining to anie highwaie or common fairing way, or shall not cutte downe or keepe lowe all trees and bushes, growing in or next adioining to any the said waies, according to the true intent and meaning of the act made in the fifth yere of the Quenes Maiesties raigne that now is, for euerie offence committed therein contrarie to the true intent thereof, shall forfait and lose for euerie default ten shillings. And all and euerie person and persons that shall occupie anie landes adioining to the said ground, so adioining to anie such highwaie, or common fairing waie, where anie ditching, or scouring should or ought to be as aforesaide, shall from time to time, as neede shall require, ditch and scower in his and their grounde so adioining, whereby the water conueyed from the said highwaie, or common fairing waie, ouer the ground next adioining, maie haue passage ouer the saide ground, so next adioining to that ground, vpon paine of forfaiture for euerie time so offending, for euerie rode not so ditched and scoured, xii.d.

Also euerie person or persons hauing anie ground by lease or otherwise, adioyning

to

to anie high way, or common fairing way, leading to anie market towne, shall caste or scower anie ditch, and throwe, or lay the soile thereof into the high waie, and suffer it to lie there by the space of six moneths, to the annoyance of the saide high-way, or common fairing waie, vppon paine of forfaiture for euerie load of soile, so cast into the high waie, or common fairing waie, in ditching or scowring vii. d. And where anie heretofore haue béene so cast into the high way, or common fairing way, that there is a banke betweene the saide way and the ditch, it shall be lawful for the Surueiors and workmen, by the Lawes and Statutes of this realme, appointed for the amendment of the saide waies, to make slewces or other deuises by their discretions, to conuey the water out of the saide waie into the ditch: anie law, right, interest, custome, or vsage, to the contrarie notwithstanding.

Euerie penaltie, summe or summes of money forfaited for anie cause within this statute, shalbe leuied in euery parish by the Surueiors of the waies within that parishe for the time being, by distresse, and sale of distresse, in manner and forme as fines or amerciaments in Leetes haue béene vsed, and the money so leuied, to be employed

or

ployed vppon the high way, or common fairing way where the offence was committed. And if the Surueiours shall not or will not leuie & employ the same within one yeare after the offence so committed, that then the said summe or summes, forfaiture or forfaitures, shall be leuied in forme aforesaide, by the Constables or Churchwardeins of the towne or parish where the worke ought to be done in the highway (as aforsaide) and that he or they so leuying anie of the saide penalties or forfaitures, shall make and yeelde such account as is appointed in the before recited statutes, or either of them.

THE

The Office of the Distributers of the prouision for the destruction of noysome foule and Vermine.

THese Distributers beeing so chosen, and hauing money, (as is before shewed in the 8. Article of the Churchwardeins office) shall giue and paie of the same money so to them deliuered to euerie person that shall bring to them any heads of old Crowes, Choughes, Pyes, or Rookes, taken within the seuerall parishes, for the heads of euerie three of them a pennie: and for the heads of euery fiue young Crowes, Choughes, Pyes, or Rookes taken, as is afore saide a penie, and for euerie vi. egges of anie of them vnbroken a pennie: and likewise for euery xii. Stares heads a pennie. All which saide heads and egges, the saide Distributers in some conuenient place shall keepe, and shall euerie moneth at the least bring foorth the same before the saide Churchwardeins and taxors or three of them, and then 8. El. cap. 15. & 14. El. cap. 11.

then and there to them ſhall make a true account in writing, what money they haue layed foorth and payed for ſuch heads and egges, and for the heads of ſuch other rauenous birdes and vermine, as are hereafter in this act mentioned. That is to ſay: for euerie head of Merton, Haukes, Furſekyt, Woldkyte, Buſſarde, Schagge, Carmerant, or Ringtaile ii. d. and for euerie two egges of them, a penie: for euery Iron or Diſpraies head, iiij. d. for the head of euerie Wlodwall, Pye, Jay, Rauen or Kite, a penie: for the head of euerie birde, which is called the Kings fiſher i. d. for the head of euerie Bullfinch, or other birde, that deuowreth the blouth of fruite, one penie: for the heades of euerie Fox, or Grey, xii. d. and for the heade of euerie Fichewe, Polcat, Weſell, Stote, Faire, Badge or Wilde cat, i. d. for the heads of euerie Otter, or Hedgehogs, ii. d. for the heads of euerie iii. Rats, or xii. Mice, i. d. for the heads of euerie Woldwarpe, or Want, an halfe pennie: for the heads of euerie which birds and vermine laſt mentioned, the laſt Diſtributers ſhall likewiſe paie and giue to the bringer of them, for euerie head kild and taken within their ſeuerall pariſh, as before is limited, and ſhall kéepe the ſame to be ſhewed

forth

forth vppon their account in manner and forme as is aforesaide. All which sayde heads and egges shall be forthwith after such account made in the presence of the saide Churchwardeins, and Tarors, or of three of them, burned, consumed, or cut in sunder. And if vppon any account to be made, in the ende and determination of the office of any such Distributers, it shall appeare that any summe of money is remaining in the handes of the saide Distributers, or any of them, then the same shall be by Bill indented, as is aforesaid, delivered over to such persons, as be or shall be elected to the same Office, for the yeare next following, by them to be distributed as is aforesaide. This shall not in anie wise extende, to give anie libertie or authoritie to anie person or persons, to vse or exercise anie meanes or engine, for the destruction of Crowes, or Rookes, Choughes, or other the vermine aforesaid in any place or places, to the disturbance, let or destruction of the building or breeding of anie kinde of Hawkes, Herons, Egrittes, Paupers, Swannes, or Shovelers: or to the hurt and destruction of any Dowes, Dovehouses, Deere, or Warren of Coneyes, nor extende to give or appoint any summe or summes of money to

be

be giuen, payed, or distributed, to any person or persons, for the heade or heads of any Busard, Ringtaile, Herne, Polcat, Fitchelwe, or Stote, taken in anie Parke, Warren, or ground, employed to the maintenance of anie game of Conies, or to any Stares taken in dounehouses, nor to the killing or bringing the heade of any Kite or Rauen, killed in any Citie or Towne Corporate, or within two miles of the same.

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The Office and dutie of the Collectors, and ouerſeers, for the poore, ſetled in their abiding places.

THE Juſtices of Peace in all the Shyres of Englande and Wales, and the Maiors, Bailifes, Shirifes, and other officers of the Cities, Boroughes and Franchiſes whereof they be Juſtices of Peace, hauing appointed within the limites of their ſeuerall auctorities conuenient abiding places for ſetling of the poore people, and hauing alſo aſſeſſed the inhabitants within the ſame limits towards a wækely contribution for the reliefe of the ſame poore people, ought then alſo to appoint collectours and ouerſeers for one whole yeare: which ſayde Collectours ſhall gather the ſayde wækelie contribution, and ſhall make deliuerie of ſo much thereof to the ſayde poore people, as the ſaid Juſtices, Maiors, Sherifes, Bailifes, and other officers ſhall appoint them. And if the ſaide 14. El. ca. 5. & 18. El. cap. 3.

ſaide Ouerſeers ſhall refuſe to bee ouerſéers, then euerie of them ſo offending ſhall forfaite tenne ſhillinges for euerie ſuch default. And if any perſon ſo appointed to be Collectour, ſhall refuſe the ſaide office, or ſhall (after he hath agréd to it) neglect the ſame, he ſhall loſe for euerie offence to the vſe of the poore of the ſame place fortie ſhillinges.

The ſayde Collectours, and euerie of them, to bée choſen, as is aforeſayde, ſhall make their iuſt account halfe yearely of their ſayde collection and gathering, to two Iuſtices of the Peace, dwelling next the ſayde abiding place or places, not béeing within anie Citie, borough, or Towne Corporate: or to the Maiors or other chiefe Officers of ſuch Cities or Townes Corporate, and when they goe out of their Offices, they ſhall deliuer or cauſe to bee deliuered forthwith vppon their accountes, all ſuch ſurpluſages of their Collection and gathering, as ſhall then remaine vndiſtributed to bee ordered by the ſaide Iuſtices, Maiors, Bailiefes, or other head Officers, vppon the paine of tenne pounds. If anie ſuch Collectors ſhall refuſe to make his ſayde account, or neglect the ſame by the ſpace of fouretéene dayes after requeſt to him therefore made:

then the saide two Iustices, or one of them, may commit the saide Collectour to the next Gaole in the saide Countie, there to remaine without Baile or Mainprise, till he haue made his saide account, and immediate payment, and deliuerie, of all such Surplusages as he hath receiued.

No person or persons, hauing charge of any voyage in passing from the Realme of Irelande, or from the Isle of Man into this Realme of Englande, do wittingly, or willingly transport, bring, carie or conueigh, or suffer to be transported, brought, carried, or conueighed, in any ship, picard, vessel, boate, or boates, from and out of the saide Realme of Irelande, or from, or out of the saide Isle of Man, into the Realme of Englande, or Wales, or any part thereof, any Vagabonde, Rogue, or Begger, or any such as shalbe forced, or verie like, to liue by begging within the Realmes of Englande or Wales, beeing borne in the Realme of Irelande, or in the saide Isle of Man, on paine of euerie such person or persons, so bringing, transporting, carying and conueyghing, either suffering to be brought, transported, carryed, and conueighed in manner and forme aforesayde, to forfeit and lose for euerie such Vagabond, Rogue, Begger, or other person,

ſon which ſhall be forced, or like, to liue by begging within this Realme of England or Wales, being tranſported, and ſet on land in anie parte of England, or of Wales, twentie ſhillings of lawfull Engliſh money, to the vſe of the poore of the ſame pariſhe in which they were ſet on lande, to be leuied by the Collectours of the ſame poore for the time being, by ſeaſure and ſelling of anie of the goods and cattels of the ſame perſon which ſhall ſo bring, tranſport, carrie, or conueigh, anie ſuch Rogue, Vagabond, or begger, or other perſon which ſhall be forced, or like to liue by begging, within the Realme of Englande or of Wales, to the value of the ſame forfaiture.

The Office of the Collectours and Gouernours of the poore.

IN euerie Citie and towne Corporate within this Realme, a competent store and stocke of Wooll, Hemp, Flaxe, Iron, or other stuffe by the appointment and order of the Maior, Bailifes, Iustices, or other head Officers, hauing rule in the said Cities or Townes Corporate (of themselues, and all other inhabitants within their seuerall auctorities, to be taxed, leuied, and gathered) shall be prouided. And that likewise, in euerie other Market towne or other place, within euerie countie of this Realme, (where to the Iustices of the Peace, or greater parte of them, in their generall Sessions yearely next after Easter, within euerie limitte shall be thought meete and conuenient) a like competent store and stocke of Wooll, Flax, Iron, or other stuffe, as the countrey is moste meete for, by appointment and order of the saide Iustices of Peace, or the greater part 18. El. ca. 3.

parte of them in their generall Sessions, (of all the inhabitants within their seuerall auctorities to be taxed, leuied, and gathered) shall be prouided. The saide stores and stockes, in such Cities and townes corporate, to be committed to the hands and custody of such persons, as shal by the Maior, Bailifes, Iustices, or other head Officers, hauing auctoritie in euerie such Citie, or Towne Corporate, be appointed: and in other townes and places, to such persons, as to the saide Iustices of Peace, or the greater parte of them in their said generall Sessions of the peace in their seuerall Coonties shall be by them appointed. Which said persons so appointed as aforesaide, shall haue power and auctoritie (by the aduise of them who doe appoint them) to dispose, order, and giue rules, for the diuision and maner of working of the saide stockes and stores, who shall from henceforth be called, the Collectors and gouernors of the poore, to the intent euerie such pore and needie person, olde or yong, able to doe anie worke, standing in necessitie of relefe, shall not for want of worke goe abroade, either begging, or committing pilfrings, or other misdemeanour liuing in idlenesse: which Collectours and Gouernours of the

poore from time to time (as cause requireth) shall and may of the same stocke and store, deliuer to such poore and néedie person, a competent portion, to be wrought into yarne or other matter, within such time, and in such sort, as in their discretions shal be from time to time limited and prefixed, and the same afterwards being wrought, to be from time to time deliuered to the said Collectors and Gouernors of the poore: for which they shal make paiment to them that worke the same, according to the desert of the worke: and shall of newe deliuer more to be wrought, and so from time to time to deliuer stuffe vnwrought, and to receiue the same againe wrought, as oft as cause shall require: which Hemp, Woll, Flax, or other stuffe, wrought from time to time shall be solde by the saide Collectors and gouernours of the poore, either at some Market, or other place, and at such time as they shall thinke méete, and with the money comming of the sale, to buy more stuffe, in such wise as the stockes or store shall not be decayed in value. And if hereafter anie such person able to doe anie such worke, shall refuse to worke, or shall go abroad, begging, or liue idlely, or taking such worke shall spoile or imbesell the same, in such wise, that (after

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monition giuen) the Minister or Churchwardeins of the parish, and Collectors and Gouernors of the poore, or the more parte of them, shall thinke the same person not meete to haue anie more worke deliuered out of the same store or stocke, that then vpon Certificat made vnder their handes, and brought by one of the saide Collectors and gouernours of the poore, to the hands of such person or persons as shall in that countie haue the ouersight and gouernement of one of the houses of Correction, in conuenient apparell meete for such a bodie to weare, he, she, or they, from such towne, place, or parish, shall be receiued into such house of Correction, there to be straitely kept, as wel in diet, as in worke, and also punished from time to time, as to the saide persons, hauing the ouersight and gouernment of the said house of Correction shall be appointed, as hereafter is declared. All which stockes and stores, shall be prouided and deliuered to the handes of the said Collectors & gouernors of the poore at all times hereafter, as occasion shall serue.

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The duties of the Cenſors (or Wardeins) and of the Collectors for the houſes of Correction.

Ithin euerie countie of this realme, one, two, or more abiding houſes, or places conuenient in ſome Market towne, or corporate towne, or other place or places, by purchaſe, leaſe, building, or otherwiſe, by the appointment and order of the Iuſtices of Peace, or the more part of them in their generall Seſſions (of the inhabitants within their ſeuerall auctorities to be taxed, leuied, and gathered) ſhalbe prouided, & called the houſe or houſes of Correction: and alſo ſtocke & ſtore and implements, to be in like ſort alſo prouided, for ſetting on worke and puniſhing, not onelie of thoſe which by the Collectors and gouernors of the poore, for cauſes aforeſaide to the ſaid houſes of correction, ſhalbe brought, but alſo of ſuch as be or ſhalbe, inhabiting in no pariſhe, or be, or ſhalbe taken as Rogues, or once puniſhed as Rogues, and by reaſon of the vn- 18. El. ca. 3.

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certaintie of their birth, or of their dwelling by the ſpace of three yeares, or for anie other cauſe, ought to be abiding and kept within the ſame countie: which ſaid houſe or houſes of Correction, with ſtockes, ſtores, and implements appointed for ſuch houſes of Correction, ſhalbe prouided in euerie countie, within ſuch time as to the Iuſtices of Peace, or the more part of them, in their ſaid generall Seſſions of the peace in euerie countie, within their ſeuerall iuriſdictions, ſhalbe thought meete and conuenient, ſo as it exceede not two yeares after taxation in ſuch countie for that purpoſe made, or elſe the money leuied to be repaied. And that euerie perſon refuſing to pay, or not paying ſuch ſumme of money, towards the making, obtaining and furniſhing of the ſaid houſes of Correction, and buying of ſtockes and ſtores, and for the reliefe and ſuſtentation of ſuch perſons as ſhal be appointed to the ſaide houſes of Correction, as vpon thē or any of them, ſhall be by order aforeſaide) tared, and at ſuch time (as by the ſame order ſhall be appointed) ſhal for euery default forfeit double ſo much as he or they ſhal be ſo tared vnto. And the ſaid Iuſtices of peace, or the more part of thē in their ſaide generall ſeſſions, in euerie countie, ſhall and maie

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appoint from time to time, persons which shall be Ouerseers of euerie such house of Correction, which said persons shal be called the Censors and Wardeins of the houses of Correction, and shall haue the rule, gouernement, and order of such houses of Correction, according to such orders as by the said Iustices of peace, or the more part of them in their generall Sessions in euery countie, shall be prescribed. And the said Iustices shall also appoint others for the gathering of such money, as shall be tared vpon anie person or persons, within their seuerall iurisdictions, towards the maintenance of the saide houses of Correction, which shall be called the collectors for the houses of Correction: and if anie person or persons refuse to be Collector and gouernor of the poore, or Censor and Wardein, or Collector of or for anie the houses of Correction, euerie person so refusing, shal forfaite and lose the summe of fiue pound. And all and singular person and persons, appointed by the auctoritie of this act to be anie Collector and gouernour of the poore, or Censor & Wardein, or Collector for anie the houses of Correction in anie countie, citie, towne corporate, or other place in this Realme, shal as often as they or any of them shal be called thereto by the per-

perſons hauing the appointment of them, make a iuſt account of all ſuch ſumme or ſummes of money or other things, as they or any of them haue gathered, had, or raiſed in commodity, within their ſeueral collections or charge: and if anie ſuch Collectour or gouernour of the pwre, Collectour, Cenſor, or Wardeine of or for the houſes of Correction, refuſe to make ſuch account, or neglect the ſame by the ſpace of xiiii. dayes next after requeſt therefore to him made, or ſhal not within one weeke, after ſuch account rendred, yeelde and paie the whole arrearages, which he or they (vpon ſuch account) ſhall be found in, to ſuch perſon or perſons, as they ſhall be appointed vnto, by them before whom their ſaide account ſhall be taken: that then the ſaide Collector, Gouernor, Cenſor, or Wardein to be committed to any vſuall Gaole within the ſaide countie, there to remaine without baile or mainepriſe, till he haue made his account and paiment of ſuch arrearages as he hath receiued: vpon the making of which account it ſhall & may be lawfull to ſuch perſons as haue the appointment of the ſaid Collectors and gouernors of the pwre, Cenſors, wardeins and Collectors of the houſes of Correction (euerie of them within their auctoritie) to allowe, as well ſuch

such reasonable allowance to euerie the sayde Collectours and Gouernours of the poore, Censors, Wardeins and Collectors, of the houses of correction, for such money as they or anie of them haue employed or disbursed in the execution of the sayde seuerall offices, as also such reasonable fees and wages for their paines taken in that behalfe, as to them shall be thought conuenient and reasonable.

FINIS.